|  | OPEN AND PUBLIC MEETINGS -   |  |  |
|--|--|--|--|
|  | RECORDING REQUIREMENT  |  |  |
|  | 2005 GENERAL SESSION   |  |  |
|  | STATE OF UTAH  |  |  |
|  | Sponsor: Scott K. Jenkins  |  |  |
|  | LONG TITLE   |  |  |
|  | General Description:   |  |  |
|  | This bill requires that both a written and recorded record be made of all open public                    |  |  |
|  | meetings.  |  |  |
|  | Highlighted Provisions:  |  |  |
|  | This bill:   |  |  |
|  | <ul> <li>modifies the provisions governing open and public meetings to require that both a</li> </ul>    |  |  |
| written record and a tape or digital recording be made for all open public meetings; |  |  |  |
|  | and  |  |  |
|  | <ul> <li>requires that tape or digital recordings be retained for at least 180 calendar days.</li> </ul> |  |  |
|  | Monies Appropriated in this Bill:  |  |  |
|  | None   |  |  |
|  | Other Special Clauses:   |  |  |
|  | None   |  |  |
|  | <b>Utah Code Sections Affected:</b>  |  |  |
|  | AMENDS:  |  |  |
|  | 52-4-7, as last amended by Chapter 311, Laws of Utah 2002  |  |  |
|  | Be it enacted by the Legislature of the state of Utah:   |  |  |
|  | Section 1. Section <b>52-4-7</b> is amended to read:   |  |  |
|  | 52-4-7. Minutes of open meetings Public records Recording of meetings.                                   |  |  |



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| 28  | (1) (a) Written minutes [or] and a digital or tape recording shall be kept of all open  |
|-----|---|
| 29  | meetings. [Such]  |
| 30  | (b) The minutes or a digital or tape recording shall include:   |
| 31  | [(a)] (i) the date, time, and place of the meeting;   |
| 32  | [(b)] (ii) the names of members present and absent;   |
| 33  | [(e)] (iii) the substance of all matters proposed, discussed, or decided, and a record, by                                    |
| 34  | individual member, of votes taken;  |
| 35  | [(d)] (iv) the names of all citizens who appeared and the substance in brief of their   |
| 36  | testimony; and  |
| 37  | [(e)] (v) any other information that any member requests be entered in the minutes.   |
| 38  | (2) (a) Except as provided in Section 52-4-7.5, written minutes or a digital or tape  |
| 39  | recording shall be kept of all closed meetings. [Such]  |
| 40  | (b) The minutes or digital or tape recording shall include:   |
| 41  | [(a)] (i) the date, time, and place of the meeting;   |
| 42  | [(b)] (ii) the names of members present and absent; and   |
| 43  | [(e)] (iii) the names of all others present except where such disclosure would infringe                                       |
| 44  | on the confidence necessary to fulfill the original purpose of closing the meeting.   |
| 45  | (3) (a) The minutes and recordings are public records and shall be available within a   |
| 46  | reasonable time after the meeting.  |
| 47  | (b) A meeting record kept only by a digital or tape recording must be converted to  |
| 48  | written minutes within a reasonable time upon request.  |
| 49  | (4) All or any part of an open meeting may be recorded by any person in attendance[;  |
| 50  | provided,] as long as the recording does not interfere with the conduct of the meeting.                                       |
| 51  | (5) (a) [Minutes of meetings] Meeting minutes that are required to be retained  |
| 52  | permanently shall be maintained in or converted to a format that meets long-term records                                      |
| 53  | storage requirements.   |
| 54  | (b) The custodian of digital or tape recordings of meetings shall retain those recordings                                     |
| 55  | for at least 180 calendar days.   |
| 56  | (6) Written minutes or digital or tape recordings [shall be] are public records [pursuant                                     |
| 57  | to] as defined in Title 63, Chapter 2, Government Records Access and Management Act, but                                      |
| 58  | only written minutes [shall] $\$ \rightarrow [may]$ shall $\leftarrow \$$ be used as evidence of the official action taken at |
| 58a | such  |
|     |   |

59 meeting.

## Legislative Review Note as of 12-22-04 4:37 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

| Fiscal   | Note       |
|----------|------------|
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## Open and Public Meetings - Recording Requirement

03-Feb-05 4:33 PM

## **State Impact**

It is estimated that provisions of this bill can be implemented with existing resources.

## **Individual and Business Impact**

No fiscal impact.

Office of the Legislative Fiscal Analyst